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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DR. MORGAN REYNOLDS, on behalf of	:	
The United States of America	:	
	:	
Plaintiff,	:	<u>ECF CASE</u>
vs.	:	
	:	January 29, 2008
SCIENCE APPLICATIONS	:	
INTERNATIONAL CORP., et al	:	07 CIV 4612 (GBD)
	:	
Defendants.	:	

ERRATA 1

**SUBSTITUTION OF NEW PARAGRAPHS 25 – 28 and
CHANGE OF WITNESS NAME IN PARAGRAPH 31**

IN

AFFIRMATION OF ATTORNEY – JERRY V. LEAPHART

The purpose of this errata submittal as follows:

- a) Delete current paragraphs numbered 25 to and including 28 of the Affirmation of Jerry V. Leaphart filed on January 28, 2008; and
- b) Substitute in their place the following revised paragraphs 25 to and including 28; and
- c) Delete the name “Murad” from line four of paragraph 31 of the Affirmation of Jerry V. Leaphart and substitute the name “Gregory” in its place.

Except as expressly modified herein, the said Affirmation remains the same as filed.

To facilitate comparison, annexed hereto as Exhibit 1 is the entire content of the statement made by Murray Murad, who is quoted in the said paragraphs.

Attached hereto as Exhibit 2 is the entire content of the statement made by Stephen Gregory whose statement had been mixed with that of witness Murad but now clarified in the now replaced version of said paragraphs.

SUBSTITUTED PARAGRAPHS 25 to 28 follow:

25. Here is an example of the incongruities associated with even those witnesses who say they saw and heard a plane. The following excerpt is, by the way, among the strongest witness accounts from among those few persons who, by virtue of his actual known location, supposedly saw and heard both planes. Yet, even this witness, Murray Murad, expresses *undeniable doubt*:

“Plane 1: It was about 8:41 that we heard a plane hovering over the fire house. It sounded like the plane was right on top of us. At that time the captain was upstairs. He was taking a shower in the office and I was conducting the work with the fire fighter. The captain came out and said: "What's going on? This is a no-fly zone. There should be no planes over here unless this is a military plane, a plane in trouble." Other than that, there was really no clue. Maybe about 10 to 12-minutes after that first plane, I heard another plane. Then I said to myself, we're being attacked. I ran downstairs. No sooner did I run downstairs and look up, that I saw the second plane strike the south tower. It was such a vicious hit and such a precision hit, it was unbelievable.

Q. Did you see or hear the second plane before it hit the World Trade Center?

A. I never actually saw the plane, but I heard it. You could hear it coming in and then we heard the explosion and you could hear the roar of the plane coming in.

At first I didn't realize it was a plane. I thought it was like the roar of fire, like something had just incinerated, like a gas tank or an oil tank.

It sounded like a tremendous roar and then you heard boom and then there was a big fire, a lot of fire, a big fireball. I never actually saw a plane hit the building. I never saw that. I saw it on television, but I never saw it while I was standing there.

The building material was sort of gray and you could see it, you know, how it differed from the plane. I was listening to the tape this morning of the people calling up and they were describing the plane that hit the building. Actually, so many people saw it. They actually described the plane as it came in. They said it was a military-type plane and it was green and it was this. I mean, I never saw the color of the plane.

Q. Where were you when the second plane hit?

A. We were down at the command post between Liberty and Albany on the west side of West Street. ¹

26. Note what the witness, Murray Murad, actually says:

“Plane 1: It was about 8:41 that we heard a plane hovering over the fire house. It sounded like the plane was right on top of us.”

¹ Exhibit 6, pg. 37, segment 6.1.2

That description “hovering” is utterly inconsistent with a jetliner flying overhead at over 400mph and there is no description of what should have been an overwhelming ‘crash’ sound as well as jet blast effects. I am not making this up. We are here quoting a witness. True, Murad then goes on to say he saw the second plane hit:

I saw the second plane strike the south tower. It was such a vicious hit and such a precision hit, it was unbelievable.

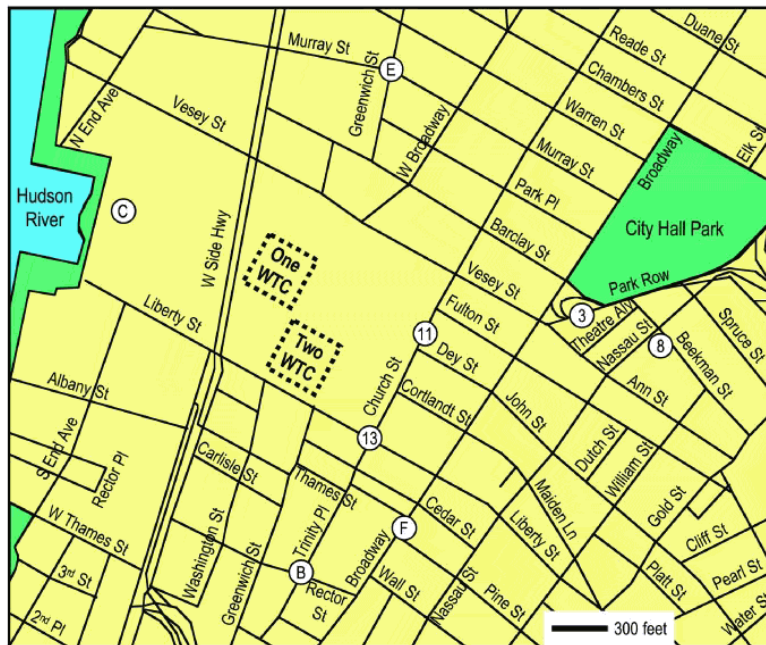
However, for as clear as that statement might be, it is unclear why, from the vantage point of Greenwich and Liberty, he does not describe being adversely affected by either jet blast or the deafening, ear-drum bursting sound that should have overwhelmed him. Upon assessment, it appears Lieutenant Murad is describing what he saw on teevee. In contrast, a higher-ranking fire fighter, Assistant Commissioner Stephen Gregory was at a similarly close location and here is what he had to say:

"At first I didn't realize it was a plane. I thought it was like the roar of fire, like something had just incinerated, like a gas tank or an oil tank."

“I never actually saw a plane hit the building. I never saw that. I saw it on television, but I never saw it while I was standing there.”

There is nothing ambiguous about the above quote. He did not see a plane and did not realize there was one. His words, a fair paraphrase of which is that there was no jetliner there.

27. Witness Gregory also confirms where he was: “We were down at the command post between Liberty and Albany on the west side of West Street.” Let us consider the relationship of these two witnesses to the south tower, WTC 2, about which Murad and Gregory testified:



28. It is easy to ascertain that West Street, between Liberty and Albany puts Gregory in a position where WTC Tower 2 would literally have loomed right over his head, placing him virtually right next to WTC 2 where he had an excellent vantage point for being both an actual eye and ear witness based on that location and for being able to ascertain if a jetliner crashed into WTC2. But, in his own words he stated:

“I never actually saw the plane...”

Liberty and Greenwich puts Murad in a location where he should have suffered ear damage had a jetliner passed 800ft above his head at 540mph.

He also states:

“At first I didn't realize it was a plane. I thought it was like the roar of fire...”

Two separate sense observations are there to be found. He neither saw nor heard a jetliner. Considering his location and his testimony, it is reasonable to assert that someone standing that close should not have had difficulty being clear and direct in describing, correctly, the audio and visual effects had there actually been a wide-body 767 jetliner, a mere 800ft above ground traversing at 540mph. Clearly, the eyewitness testimony here presented flatly, plainly and irrefutably contradicts any such claim and precludes granting a motion to dismiss. If time is taken with Exhibit 6, it will become far more apparent that witness Murad is but one example of that norm; namely, that the actual eye and ear witnesses do not confirm the crashes of any wide-body jetliners into the WTC. There is next to no confirmation of any plane hitting the WTC from amongst those who were there, let alone wide-body jets travelling at their top speed that would have created sound pressure and jet blast that would have had devastating effects on people and buildings, including producing significant ear damage, to mention but one effect that simply has not been shown to have occurred. Instead, there is nothing but doubt and actual testimony confirming that an explosion occurred; that and nothing more.

31. Change in line 4 of paragraph 31: Delete “Murad” and insert “Gregory”

Respectfully submitted

/s/ Jerry V. Leaphart

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